

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of November 25, 2009 be extended one month, from February 25, 2010 to March 25, 2010.

Authorization to charge Deposit Account No. 50-4364 is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 09-0457.

In the Office Action, the Examiner indicated that claims 1 through 24 are pending in the application and the Examiner rejected all of the claims.

Rejections under 35 U.S.C. §§102 and 103

On page 3 of the Office Action, the Examiner rejected claims 1-4, 7-12, 15-20, 23 and 24 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2007/0055570 to Martin.

On page 5 of the Office Action, the Examiner rejected claims 5, 6, 13, 14, 21, and 22 under 35 U.S.C. §103(a) as being unpatentable over Martin.

The Present Invention

The claimed invention is a method, system, and computer-program-product for selecting an optimal set of events to be performed. Each event has a value, such as an expected gain. The selection of any event reduces or leaves unchanged the value of unselected events. As set forth in the claims, a first sort is performed on all unselected events to form a pending event list, so that

the events are ordered sequentially by their values, with the highest valued event being at the top of the pending event list. Then, the highest valued unselected event is selected upon the occurrence of a predetermined trigger. Next (i.e., after the selection of the highest valued unselected event), the values of each event are recomputed, and then the highest valued unselected event is moved to the top of the pending event list. Of significance, the highest valued unselected event is moved to the top of the pending event list *without performing a second sort of the entire pending event list.*

U.S. Patent Application Publication No. 2007/0055570 to Martin

U.S. Patent Application Publication No. 2007/0055570 to Martin ("Martin") is directed to a method of and software for determining the effectiveness of sales calls efforts. The method involves adjusting the priority of a random selection of customers such that the resource allocation corresponding to the selection of customers is either increased or decreased. Targeting (for marketing) and/or resource allocation can be adjusted, up or down, based on the adjustment of the priority.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) M.P.E.P. §2131.

Applicant acknowledges that Martin discusses the sorting of resource allocation and or targeting with respect to customers, based on the adjustment of the priority of a random selection of customers. However, nothing in Martin teaches, or even remotely suggests, the claimed aspect of moving the highest valued unselected event to the top of the pending event list without performing a second sort of the entire pending event list.

As noted above and in the present specification, the use of the “lazy sort” process enables the movement of the highest-valued unselected event to the top of the pending event list *without performing a second sort*. An example given of one such lazy sort is a bubble sort. Applicant does not claim to have invented sorting, or lazy sorting, or bubble sorting. However, Applicant has developed the novel approach to increasing contact strategies wherein there is no need to go through the time-consuming and processing-intensive task of sorting each and every record *each time an event has been selected*. Instead, Applicant’s development saves time and processing power by realizing that as long as the highest-valued unselected event is at the top, the order of the remaining events (which will all have values lower than the one now on top) is irrelevant. Thus, there is no need to reorder the entire list each time, as is done in the prior art (including in Martin)

Since all of the claims recite this feature, and since none of the prior art teaches or suggests this claimed feature, then all of the claims patentably define over Martin.

Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1-4, 7-12, 15-20, 23 and 24 under 35 USC §102 and claims 5, 6, 13, 14, 21 and 22 under 35 USC §103.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge the extension fee to Deposit Account No. 50-4364 and any additional fees associated with this communication to applicant's Deposit Account No. 09-0457.

Respectfully submitted

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Date

/Mark D. Simpson/
Mark D. Simpson, Esquire
Registration No. 32,942

SAUL EWING LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2189
Telephone: 215 972 7880
Facsimile: 215 972 4169
Email: MSimpson@saul.com